

REMARKS

Claims 9-28 are pending in the application. Claims 22 and 26 are amended. Reconsideration and allowance of all the non-allowed Claims of the application is respectfully requested in view of the amendments to the Claims and remarks below.

Rejections under 35 U.S.C. §102(b)

At page 2, the Office Action rejects Claims 22-24, and 26 under 35 U.S.C. §102(b) as being anticipated by Legoues et al. (U.S. 5,810,924).

Independent Claims 22 and 26 recite in part that the crystalline stress generator layer has a lattice constant that is different from the lattice constant in the crystalline carrier material. Claims 22 and 26 also recite that the insulating stress transmission layer has a lattice constant that is matched to the lattice constant of the crystalline carrier material, and that the stress-absorbing layer has a lattice constant different from the lattice constant of the crystalline stress generator layer. Similar features are recited in Claim 9, which according to the Office Action is in an allowable form.

The Assignee respectfully submits that Legoues does not disclose these features. As noted in the Office Action at page 2, in Legoues, the lattice constant in the stress generator layer is the same as the lattice constant in the carrier layer. By contrast, Claims 22 and 26 recite that the respective lattice constants are different.

Legoues also discloses an insulating stress layer with a lattice constant that is different than the lattice constant in the carrier layer. By contrast, Claims 22 and 26 recite that the respective lattice constants are matched. In view of at least these differences, the Assignee respectfully submits that Legoues does not anticipate either Claim 22 or Claim 26.

Accordingly, the Assignee respectfully requests withdrawal of the rejections against independent Claims 22 and 26, and those Claims that are dependent on Claims 22 and 26, respectively.

Rejections under 35 U.S.C. §103(a)

At page 3, the Office Action rejects Claim 25, 27, and 28 as being unpatentable over Legoues.

Claims 25, 27, and 28 are dependant from either Claim 22 or 26, which for the reason argued above should be allowed. Accordingly, the Assignee respectfully requests withdrawal of the rejections under 35 U.S.C §103(a).

Allowed Claims

At page 4, the Office Action indicates that Claims 9-21 are allowed. The Assignee thanks the Examiner for this determination.

Conclusion

The Assignee believes that the amendments and arguments presented herein are sufficient to overcome the several rejections. Accordingly, allowance of all the non-allowed Claims is respectfully requested. Should the examiner deem a telephone conference to be of assistance in advancing the application to allowance, the Examiner is invited to call the undersigned attorney at the telephone number below.

Respectfully submitted,

/Edward Machado/
Edward Machado
Registration No. 58,372
Attorney for the Assignee

May 28, 2009
BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO, ILLINOIS 60610
(312) 321-4200